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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2343/2024**

SURAT MUNICIPAL CORPORATION AND ANR Petitioners

Through: **Ms. Meera Kaura Patel and Mr. Tejas Patel, Advs.**

versus

BIPIN KANJIBHAI CHAVDA AND ORS Respondents

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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15.04.2024

CM APPL. 22080/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2343/2024, CM APPL. 22079/2024—stay, CM APPL. 22081/2024—51 days in re-filing petition

3. The present petition has been filed under Article 227 of the Constitution of India impugning the judgment/order dated 10.10.2023 passed by learned National Consumer Disputes Redressal Commission, New Delhi (hereinafter referred to as “NCDRC”) in Revision Petition No.1534/2022 titled as “Surat Municipal Corporation & Anr. vs. Bipinbhai Kanjibhai Chavda & Anr.” whereby the application seeking condonation was not allowed and thereby the revision petition was dismissed.
4. Learned counsel for the petitioner submits that the original complaint



was filed before the learned State Consumer Disputes Redressal Commission, Ahmedabad, Gujarat (hereinafter referred to as “SCDRC”) and against the order passed by the SCDRC, an appeal was filed before the learned NCDRC, which came to be dismissed vide the impugned order.

5. After addressing some submissions, the learned counsel admits that the entire cause of action in the present case has arisen in Ahmedabad, Gujarat except that the appeal before the learned NCDRC was filed in New Delhi. Moreover, in view of paragraphs 7, 8, 9 & 10 of the judgment of the Hon’ble Supreme Court in **Siddhartha S. Mookerjee & Anr. Vs. Madhab Chand Mitter & Anr.** [C.A. Nos. 3915-3916/2024], the learned counsel seeks permission to withdraw the present petition with liberty to move before the appropriate forum as per law, within a period of four weeks from today.

6. In view of the above submissions, permission to withdraw with liberty as per law and as prayed for is granted.

7. Accordingly, the petition along with pending applications, stands disposed of.

SHALINDER KAUR, J.

APRIL 15, 2024

SDS